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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FEDERAL TRADE COMMISSION,

Case No. 3:23-cv-02880-JSC

Plaintiff,

**DECLARATION OF ALYSHA BOHANON
IN SUPPORT OF ADMINISTRATIVE
MOTION TO SEAL PORTIONS OF
DEFENDANTS' PROPOSED POST-TRIAL
FINDINGS OF FACT AND CONCLUSIONS
OF LAW**

v.
MICROSOFT CORPORATION and
ACTIVISION BLIZZARD, INC.,

Defendants.

Dept.: Courtroom 8—19th Floor
Judge: Honorable Jacqueline S. Corley

1 I, Alysha Bohanon, hereby declare under penalty of perjury that the following is true and correct:

2 1. I am an Associate at Wilkinson Stekloff LLP and am counsel for Defendant Microsoft
3 Corporation in the above-captioned matter. I submit this declaration in support of Microsoft Corporation
4 and Activision Blizzard, Inc.'s (collectively, "Defendants") Administrative Motion to Seal Portions of
5 Defendants' Proposed Post-Trial Findings of Fact and Conclusions of Law ("Administrative Motion").
6 In my role, I have personal knowledge of Defendants' use and protection of non-public, highly sensitive,
7 and confidential business information, including the information at issue here.

8 2. I have personal knowledge of the facts set forth in this Declaration and, if called as a
9 witness, could and would competently testify to them.

10 3. I have reviewed and am familiar with Defendants' Proposed Post-Trial Findings of Fact
11 and Conclusions of Law, which contains information designated by Defendants as "Confidential."

12 4. As set forth in the Administrative Motion, certain limited portions of Defendants'
13 Proposed Post-Trial Findings of Fact and Conclusions of Law contain non-public and highly sensitive
14 information, including, but not limited to, information reflecting Defendants' internal decision-making
15 processes, investment decisions, assessment of the competitive landscape, strategic evaluation of
16 forward-looking opportunities, business partnerships, existing confidential agreements, and internal
17 discussions of business strategy.

18 5. This information could be used to injure Defendants if made publicly available, and it
19 would cause competitive harm to Defendants if the above information was publicly disclosed. For
20 example, disclosure of this information would give Defendants' competitors insight into Defendants'
21 strategies, plans, and assessments regarding potential opportunities, and those competitors may alter their
22 strategic plans or offerings if they knew Defendants' strategies and plans. Disclosure of this information
23 would also harm Defendants by allowing its competitors to circumvent the time and resources expended
24 by Defendants in developing its internal practices and strategies. Disclosure of this information would
25 further harm Defendants' negotiating position with its business partners.

26 6. Defendants have taken robust measures to maintain the confidentiality of all the above-
27 described information, including limiting internal disclosure of some of this information to persons on a
28 need-to-know basis, and does not disclose it publicly. All of this information was designated as

1 confidential pursuant to Section 21 of the FTC Act, 15 U.S.C. § 57b-2, and/or as Confidential pursuant
2 to the Protective Order Governing Confidential Material entered on December 9, 2022 in *In the matter*
3 of *Microsoft Corp. & Activision Blizzard, Inc.* Docket No. 9412 (FTC). This information is also
4 Confidential under the operative protective order in this case (ECF Nos. 115-1, 170). For these reasons,
5 Defendants respectfully request that the Court order the portions set forth in its Administrative Motion
6 to be sealed.

7 I declare under penalty of perjury under the laws of the United States that the foregoing is true
8 and correct to the best of my knowledge.

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10 Dated: July 12, 2023

/s/ Alysha Bohanon

Alysha Bohanon

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